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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-207360

DATE: June 2, 1982

MATTER OF: Medical Gas & Respiratory Services, Inc.

DIGEST:

1. Since the IFB did not provide a preference for woman ownership in deciding on the award, it would have been improper to select the protester for award on that basis.
2. An award under an IFB must be made to the lowest responsive and responsible bidder.
3. Where it is clear from the initial submission by the protester that the protest lacks merit, the protest is decided without obtaining an agency report and without the conference requested by the protester.

Medical Gas & Respiratory Services, Inc. (MGRS), protests the award of a contract to Pulmonary Home Care, Inc., under invitation for bids (IFB) No. 580-78-82 issued by the Veterans Administration Medical Center, Houston, Texas, for the supply of medical oxygen and related supplies and equipment.

Essentially, MGRS contends that, even if it was not the low bidder, it was so close to the low bidder that the award should have been made to it because of its past efficient and satisfactory service and because it is a woman-owned business.

We deny the protest summarily.

The IFB did not provide a preference for woman ownership in deciding on the award. Therefore, it would have been improper to select MGRS for award on that basis. Photonics Technology, Inc., B-200482, April 15, 1982, 82-1 CPD 288.

Further, if MGRS has performed efficiently and satisfactorily in the past, that is evidence bearing upon its responsibility. However, we have held that an award under an IFB must be made to the lowest responsive and responsible bidder. Mark A. Carroll and Sons, Inc., B-194419, November 5, 1979, 79-2 CPD 319.

It is clear from the initial submission by MGRS that the protest lacks merit. Therefore, we have decided the protest without obtaining an agency report and without the conference requested by MGRS as it would serve no useful purpose. Northern Illinois University, B-194055, March 15, 1979, 79-1 CPD 184.

for 
Comptroller General
of the United States